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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/753,318	12/28/2000	Hideki Katsura	07977/262001/US4542	1195

20985 7590 10/17/2003  
FISH & RICHARDSON, PC  
12390 EL CAMINO REAL  
SAN DIEGO, CA 92130-2081

EXAMINER

DUDEK, JAMES A

ART UNIT PAPER NUMBER

2871

DATE MAILED: 10/17/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/753,318

Applicant(s)

KATSURA, HIDEKI

Examiner

James A. Dudek

Art Unit

2871

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-14, 17-19, 23-26 and 33-39 is/are pending in the application.
- 4a) Of the above claim(s) 1-13, 17-19 and 23-26, 33 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 14 and 34-39 is/are rejected.
- 7) ☒ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_ 6) ☐ Other: \_\_\_\_

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## DETAILED ACTION

### *In re Claim 33*

Claim 33 is still pending and is dependent on canceled claim 15.

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 14 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over the Fujimura et al. JP Patent ('132).

'132 teaches preparing an element substrate and an opposing substrate (31,32), one of said element and opposing substrates having a hole portion for injecting LC (see figures); forming an orientation film and patterning the alignment film (see line 5 of the constitution); forming a sealing material on one of the substrates (17); joining the substrates (as the substrates are shown in the figures as being joined); and injecting the LC material into the hole (see constitution).

Lacking from '132 is the step of separating the joined element and opposing substrate to form a display device. However, it was well known or common knowledge to form several cells simultaneously using bulk substrates and at the end of the process scribing the substrates to separate the cell into several single displays in order to decrease processing time. Accordingly, it would have been obvious to one of ordinary skill at the time the invention was made to combine the well known bulk method of manufacturing liquid crystal cell with '132 in order to decrease processing time.

Claims 35-39 are rejected under 35 U.S.C. § 103 as being unpatentable over the Fujimura et al. JP Patent ('132) as applied claim 14 and 34 above and further in view of 4094058 ("058").

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132 lacks the step of breaking the substrates, forming the hole in the corner or center, scribing after joining the substrate and a resin plug. However, 058 teaches scribing and breaking the joined substrates, injecting LC before or after scribing the substrates placing the hole at the corner of the substrate [see column 3-4 and hole 37 in figure 10]. These steps are taught by 058 at column 1 to decrease cost. Accordingly, it would have been obvious to one of ordinary skill at the time the invention was made to combine 058 with 132 in order to decrease costs.

Although not taught by 058, it would be a matter of optimization or design choice to place the hole in the center of the cell. If the primary viewing area of the cell is near the boundaries of the cell, like the numbers around the circumference of a watch, then there would be less noise by placing hole in the center. However, if the primary viewing area is near the center then placing the hole at the corner would produce less noise. Thus it would be matter of engineering choice to place the hole in the center of the cell.

Regarding the resin plug, it was well known to use resin plugs to simplify the manufacturing process. Accordingly, it would have been obvious to one of ordinary skill at the time the invention was made to combine 132 with the well known resin plug.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

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***Response to Arguments***

Applicant's arguments filed 1/7/03 have been fully considered but they are not persuasive. The limitations applicant is relying on to distinguish the claims are clearly found in claim the prior art as described above.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James A. Dudek whose telephone number is 308-4782. The examiner can normally be reached on 9:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert H. Kim can be reached on 703-305-3492. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-7721 for regular communications and 703-308-7721 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.



James A. Dudek  
Primary Examiner  
Art Unit 2871

October 16, 2003